(3) (1) SINGLE BENCH

E.S.1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1138 / 2006

PETITIONER:

Mansharam,
S/o Punau Ram Sahu,
Aged about 55 years,
R/o Village – Boriyakala,
District Raipur (C.G.)

R.R. No. 1031/06
Present: 29/12/06
dated

VERSUS

RESPONDENTS:

1.State Of Chhattisgarh
Through the Secretary ,
Public Works Department,
Mantralaya, D.K.S.Bhawan,
Raipur, (C.G.)

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2. Executive Engineer
National Highway Division.
Public Works Department,
Raipur, (C.G.)

3. Sub Divisional Officer,
National Highway Division.
Public Works Department,
Raipur, (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION,

(2)

(4)

CERTIORARI ETC OR ANY OTHER DIRECTION OR ORDER

(24)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 1138 OF 2006

Petitioner : Mansharam

Versus

Respondents : State of Chhattisgarh & others

Present: Shri J.K. Gupta, counsel with Shri Ajay Dwivedi, counsel for the petitioner.

Shri A.S. Kachhawaha, Government Advocate for the respondents / State.

ORAL ORDER

(25th March, 2006)

1. Learned counsel for the petitioner submits that the petitioner was working as Gangman in the Public Works Department. Vide order dated 29.5.2003, the respondents have decided that Gangman of Public Works Department should be retired from service, on completion of 30 years of service. It is further submitted that the petitioner was appointed as Gangman on 17.11.1971 and since then he had been working in the Public Works Department. The petitioner retired after completing 30 years of service.

2. Learned counsel for the petitioner submits that in W.P. No. 93/2005 (Bharatram Sahu and & others Vs. State of Chhattisgarh & others) and other connected matters vide order dated 15.9.2005 and further by order dated 16.1.2006 passed in M.C.C. No. 275/2005 (Latel Ram Kewat & others

Vs. State of Chhattisgarh & others) this Court has considered similar points, involved in this petition also allowed the petitions. Learned counsel for the petitioner prays that the same relief be granted to the petitioner.

3. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the respondents are directed to allow the petitioner to perform his duty as Gangman, who was to retire on completion of 30 years of service, but has not attained the age of 60 years, to rejoin the service and continue till he attains the age of 60 years, subject to adjustment of the retiral benefits, if any, given to him. The retiral benefits, if any, paid earlier be deducted from the salary of the petitioner in installment at the maximum rate of 50% of the salary.

4. In view of the foregoing, the petition stands allowed in the above terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu